

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

MICHAEL COREY JENKINS, et al.

PLAINTIFFS

v.

CAUSE NO. 3:23cv374-DPJ-ASH

RANKIN COUNTY, MISSISSIPPI, et al.

DEFENDANTS

**REPLY TO PLAINTIFFS' [58] SUPPLEMENTAL RESPONSE TO [35] RENEWED MOTION
FOR JUDGMENT ON THE PLEADINGS PREMISED, IN PART, ON QUALIFIED IMMUNITY**

NOW COME Defendants, Rankin County, Mississippi and Sheriff Bryan Bailey, by and through counsel, and in support of their renewed Rule 12(c) motion, state as follows:

Plaintiffs' [58] Supplemental Response is in actuality a surreply, which are "heavily disfavored by courts." *Rubi v. BP Expl. & Prod., Inc.*, No. 1:19cv481-HSO-RPM, 2022 WL 275517, at *3 (S.D. Miss. Jan. 28, 2022) (quoting *Warrior Energy Servs. Corp. v. ATP Titan M/V*, 551 F. App'x 749, 751 n.2 (5th Cir. 2014)). A non-movant should only be granted leave to file a surreply when a movant's reply brief raises new arguments and the court is to consider those new arguments in its decision. *Rubi*, 2022 WL 275517, at *3 (quoting *RedHawk Holdings Corp. v. Schreiber Tr. of Schreiber Living Tr. - DTD 2/8/95*, 836 F. App'x 232, 235 (5th Cir. 2020)). Accordingly, the Court should not consider Plaintiffs' [58] Supplemental Response in ruling on these Defendants' [35] motion.

In the alternative, should the Court choose to consider any part of the [58] Supplemental Response, these Defendants respectfully request that they be granted a reasonable amount of time in which to respond to any new arguments raised in same.

RESPECTFULLY SUBMITTED, this 22nd day of April, 2024.

**RANKIN COUNTY & SHERIFF BRYAN BAILEY-
DEFENDANTS**

BY: /s/ Jason E. Dare
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